

EXHIBIT 7

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

2 -----X
3 DARRYL CHALMERS,

4 DARREN CONNORS,

5 GLENN MENDEZ,

6 JAMES NOVA and

7 FATIMA Q. ROSEMOND,

8 On behalf of themselves and all others
9 similarly situated, and

10 AFSCME DISTRICT COUNCIL 37 LOCAL 2507,
11 on behalf of its members,

12 PLAINTIFFS,

13 -against- Case No.:

14 1:20-cv-03389-AT

15 CITY OF NEW YORK,

16 DEFENDANT.

17 -----X

18 DATE: April 8, 2021

19 TIME: 10:05 A.M.

20 ZOOM VIDEO CONFERENCE DEPOSITION of the
21 Plaintiff, DARREN CONNORS, taken by the Defendant, pursuant
22 to a Court Order and to the Federal Rules of Civil
23 Procedure, held at the above date and time, before Elizabeth
24 Forero, a Notary Public of the State of New York.

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1 Q. What is your current address?
2 A. 83 Dongan Hills, Staten Island, New York.
3 Q. How long have you lived at that address?
4 A. Over ten years.
5 Q. Have you always lived in New York State?
6 A. Yes.
7 Q. Have you always lived in New York City?
8 A. Yes.
9 Q. What are the last four digits of your Social
10 Security number?
11 A. 2548.
12 Q. Have you ever had any other Social Security
13 number?
14 A. No.
15 Q. What race or ethnicity do you identify as?
16 A. Caucasian.
17 Q. Have you always self-identified that way?
18 A. Yes.
19 Q. Do you recall being asked to self-identify on any
20 forms in connection with the City of New York?
21 A. I do not recall.
22 Q. What is the highest level of education you have
23 achieved?
24 A. High school.
25 Q. When did you graduate from high school?

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1 A. Yes.

2 Q. By whom?

3 A. The City of New York.

4 Q. Can you give me one example in recent years where
5 you testified in that context?

6 A. Yes, you go to the administrative law office and
7 the defendants in the case state facts that they need
8 clarified by the issuing officer.

9 Q. What types of facts?

10 A. In this case it was whether or not they had their
11 department of building approved plan ready for inspection.

12 Q. Did you have to raise your right hand like you
13 did today and give an oath when you gave that testimony?

14 A. Yes.

15 Q. Other than in that context of administrative law
16 court as a peace officer, and correct me if I am wrong,
17 have you ever been a witness in any sort of hearing or
18 testified in any sort of hearing?

19 A. No.

20 Q. Have you ever been a plaintiff or defendant in a
21 lawsuit before this one?

22 A. No.

23 Q. Could you please walk us through your job history
24 at FDNY? What year did you begin at FDNY?

25 A. 2005.

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1 Q. What was your initial job title?

2 A. Fire protection inspector.

3 Q. What is your current civil service title?

4 A. Associate fire protection inspector level two.

5 Q. So when were you promoted from fire protection
6 inspector to associate fire protection inspector level one,
7 I presume?

8 A. 2008.

9 Q. That question was not super clear. I will
10 rephrase it. Did there come a time you were promoted from
11 fire protection inspector?

12 A. Yes.

13 Q. Into what position were you promoted?

14 A. Associate fire protection inspector level one.

15 Q. What year was that?

16 A. I believe, 2008.

17 Q. Did there come a time you were promoted from
18 associate fire protection inspector level one into another
19 position?

20 A. Yes.

21 Q. What year was that?

22 A. I believe 2013.

23 Q. What position were you promoted into?

24 A. Associate fire protection inspector level two.

25 Q. Have you been promoted from associate fire

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1 protection inspector level two into another position?

2 A. No.

3 Q. You have held the same position from 2013 until
4 today?

5 A. Yes.

6 Q. When you began as a fire protection inspector in
7 2005 what was your salary?

8 A. If I am not mistaken, thirty-one thousand.

9 Q. Did you receive any salary increases while you
10 were a fire protection inspector?

11 A. I do not recall.

12 Q. When you were promoted to associate fire
13 protection inspector level one, what was your salary?

14 A. I don't recall.

15 Q. Would it have been the salary set under the
16 union's collective bargaining agreement as the minimum
17 salary?

18 A. Yes.

19 Q. When you were promoted from associates fire
20 protection inspector level one in 2013, what was your
21 salary after you were promoted?

22 A. Again, I do not recall.

23 Q. Would it also have been determined by the
24 collective bargaining agreement?

25 A. Yes.

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1 anyone at FDNY other than in the context of this lawsuit?

2 A. No.

3 Q. To your knowledge, has anyone at FDNY filed an
4 EEO complaint against you?

5 A. No.

6 Q. Have you ever filed a charge of discrimination
7 against anyone other than in this lawsuit?

8 A. No.

9 Q. Has anyone ever filed a charge of discrimination
10 against you?

11 A. No.

12 Q. Mr. Connors, do you know this lawsuit is a
13 potential class action?

14 A. Yes.

15 Q. What is your understanding of a class action?

16 A. Class action is we collectively bring our
17 grievances to the court.

18 Q. You are a named plaintiff who will be
19 representing potentially hundreds of other class numbers,
20 right?

21 A. Yes.

22 Q. Have you ever done that before?

23 A. No.

24 Q. What do you understand about the other people you
25 might be representing?

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1 MS. EARDLEY: Objection. Vague.

2 A. Could you clarify that?

3 Q. Who do you understand the other class members
4 will be?

5 A. The uniform fire protection inspectors.

6 Q. Anyone else?

7 A. No.

8 Q. Do you know of any reason you should not be a
9 class representative?

10 A. No.

11 Q. Is there anything that would make it difficult
12 for you to be a class representative?

13 A. No.

14 Q. Have you discussed with anyone other than your
15 lawyers whether you should represent other members of the
16 class?

17 A. No.

18 Q. Have you ever worked with your lawyers in this
19 case on any other matter?

20 A. No.

21 Q. And when I say your lawyers, can you tell me who
22 are your lawyers?

23 A. Well, I think they are a matter of record. To
24 name them all is difficult for me. They are all listed.

25 Q. Have you dealt with other lawyers other than

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1 A. Yes, yesterday.

2 Q. What was that one yesterday?

3 A. An illegal conversion in the back of a deli, they
4 decided to build like a loft area, a sleeping area.

5 Q. Why was a deli part of your duties in a public
6 assembly unit?

7 A. That was on the task force.

8 Q. What other kind of unsafe structures have you
9 found yourself in?

10 A. In nightclubs going up and down stairs, to
11 sprinklers control valves, unstable staircases, dark unlit
12 exposed wiring situations.

13 Q. Have you ever been injured on the job?

14 A. No.

15 MS. CROUSHORE: Do you guys want to take a
16 lunch break at one o'clock.

17 (Whereupon, a short recess was taken from
18 12:57 p.m. to 1:30 p.m.)

19 Q. You mentioned, Mr. Connors, you have worked on
20 task forces in your job. How often do you find yourself on
21 a task force?

22 A. Quite often, a couple of times a year.

23 Q. Has that been the case throughout your career as
24 a fire protection inspector?

25 A. More so within the public assembly unit.

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1 Q. In the public assembly unit, what types of task
2 forces have you been on?

3 A. It is called the MARCH Program, multi agency
4 response community hot spot, so basically as it implies it
5 is multiple agencies. It is usually the police department,
6 fire department, department of buildings, environmental
7 protection, the health department and state liquor on this
8 and we go to places that have troubled histories in the
9 community such as robberies, stabbings, shooting and all
10 around disorder.

11 Q. How long do the task forces last?

12 A. Depends on how many stops and what each agency is
13 writing and doing or the job it entails that night.

14 Q. So is it usually one shift, you will be on a task
15 force for one shift or multiple days?

16 A. It is usually one shift.

17 Q. How is the work divided between the agencies when
18 you are on a task force?

19 A. Everybody sticks to what they do. So if you are
20 with the fire department you are doing life safety.
21 Building department issues code and building department
22 violations and does more of the structural building
23 department stuff. Health does anything related to the
24 health code.

25 Q. You mentioned you were on one last night?

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1 A. That one was a daytime one so it was a little bit
2 different, yes.

3 Q. What was that one?

4 A. This one was a little more geared, I guess,
5 because of the pandemic, you don't have so many nightclubs
6 and bars and restaurant that are causing it. It is coming
7 from delis and places like that, that people are gathering
8 or doing illegal things at. We have gone into doing MARCH
9 programs within like delis and groceries.

10 Q. Is the idea each agency sends one person to the
11 location?

12 A. That depends, it depends on the agency. I know
13 building can send one or two. Liquor sends a couple. We
14 usually are in a team so it is two fire protection
15 inspectors and so on.

16 Q. You all show up at the same time at the same
17 location?

18 A. We show up at the local precinct.

19 Q. Then you go together?

20 A. Yes, we caravan.

21 Q. Is it announced to the location ahead of time?

22 A. No.

23 Q. So what happens when you arrive?

24 A. Well, excuse me, the police department will enter
25 the premise announcing there is going to be an inspection

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1 done. And they secure, to the best of their ability, the
2 situation. And then we follow-up, and we go in and we do
3 the job.

4 Q. Is that a pretty typical way they work or have
5 you been on task forces that have been handled differently
6 than that?

7 A. It is pretty much the same way.

8 Q. You mentioned you do maybe two a year in your
9 current job?

10 A. No much more than that.

11 Q. I misspoke. How many do you on your current job?

12 A. Multiple. I don't know the number. It can be
13 greater than ten.

14 Q. Would it be like once a month or twice a month?

15 A. Once or twice a month, yes, like that. If I can
16 just clarify one thing on that, there are three different
17 teams of the night team. So it won't be just my team that
18 would do a task force. It can be somebody else that can be
19 assigned to that from my night team group.

20 Q. You mean instead of you somebody else would go?

21 A. Yes.

22 Q. So when you say there are more than ten a year,
23 were you talking about yourself or the night team?

24 A. The night team.

25 Q. How many do you personally go to in a typical

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1 year?

2 A. I would say still about five.

3 Q. You said you do more in your current job than you
4 did in your previous units?

5 A. Yes.

6 Q. Did you do any at all when you were in the CDA
7 unit?

8 A. Task force, no.

9 Q. Did you do any task force when you were in the
10 public buildings unit?

11 A. No.

12 Q. Did you do any task force in the suppression
13 unit?

14 A. No.

15 Q. It has only been in the public assembly unit?

16 A. Yes.

17 Q. You mentioned that the DOB does structural, there
18 is a structural type thing the DOB does. I think you said
19 something like that. Can you elaborate on what the DOB
20 inspectors do on a task force?

21 A. Well, the department of buildings and the fire
22 department inspectors at that time could do exactly the
23 same job when it come to public assembly. Actually the
24 department of buildings does not do the same thing as we
25 do, because we do the yearly inspection of the public

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1 assembly. They will look at it to make sure they have the
2 public assembly permits and plans and that is pretty much
3 the extent of it. We will look at it to make sure it is
4 still operating the way it is supposed to. We will look at
5 means of egress, emergency exit lights, and make sure
6 everything is unobstructed, all paths of egress are
7 unobstructed and unlocked.

8 Q. You are talking about on the task force doing
9 those things?

10 A. Yes.

11 Q. Just to clarify, a minute ago you said the FDNY
12 would do life safety and the building inspector would do
13 the more structural things, what did you mean by that?

14 A. So, during that time, if both agencies could
15 write the same exact violation, it would be, you know,
16 unfair to the public to receive the same exact violations
17 from two separate agencies. So what we do as a practice or
18 as, you know, we try to do, is like we said, they will do
19 the physical structure part and we will try to take more of
20 the, you know, if your exit is obstructed, if the fire
21 extinguisher is not up to date, you know, those kinds of
22 physical dangers of it and they will take more of say the
23 exit light or if the paperwork is not in order.

24 Q. How is it decided who will do what?

25 A. Conversation like what are you writing, what are

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1 you doing, okay, if you are doing that, okay, we will do
2 this. It is a discussion at the time of the inspection so,
3 you know, it is not being ignored, we know it is being
4 covered by this agency using the same code, and we will
5 refer to that at the time when we file our report or our
6 survey.

7 Q. Are these task forces new in the city or have
8 they been done for years?

9 A. I believe, they have been done for quite a while.

10 Q. Is it the NYPD that sort of coordinates them?

11 A. Yes, it is usually based out of a precinct.

12 Q. Then are you as an FPI assigned to do it or can
13 you volunteer to do a task force?

14 A. Mainly assigned.

15 Q. What do you mean by mainly, is my question?

16 A. Well, it is assigned as the night's work.

17 Q. You mentioned that sometimes it would be you and
18 sometimes it might be somebody else on the night team that
19 goes?

20 A. Yes.

21 Q. How is it decided who is going to go on a given
22 task force assignment?

23 A. More than likely from the DCI in charge that
24 night who would say, if you are working in the borough, if
25 it happens to be you are in the Bronx that night and the

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1 MARCH is taking place in the Bronx, you are going to get
2 that.

3 Q. DCI means deputy chief inspector?

4 A. Yes.

5 Q. Do DCIs get advance notice about the task force,
6 the MARCH task force?

7 A. Yes.

8 Q. How much advance notice do they get?

9 A. That I don't know.

10 Q. But they know ahead of time before the shift
11 starts it is going to happen?

12 A. Yes.

13 Q. So you said, there might be somebody there from
14 health as well, what does that person do?

15 A. Any inspection that is health department related.

16 Q. You said state liquor people might show up too?

17 A. Yes.

18 Q. Are they looking for liquor license violations
19 that kind of thing?

20 A. Yes.

21 Q. So would it be fair to say it is you and the DOB
22 inspectors who are looking at the building itself and the
23 environment?

24 A. Yes.

25 Q. Do you ever say no to being on a task force?